IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 25646 of 2007(C)

PETITIONER:

C.K. SURESH BABU,
ASSISTANT EXECUTIVE ENGINEER, P.W.D.,
NATIONAL HIGHWAY SUB DIVISION, DEVIKULAM.

BY ADV. SRI.KRB.KAIMAL (SR.)
SRI.PRAMOD J.DEV
SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN
SRI.PRAMJI PAUL VAZHAPPILLY

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVT. OF KERALA,
PUBLIC WORKS (B) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. SHRI K.MURALEEDHARAN,
ASSISTANT EXECUTIVE ENGINEER, P.W.D.,
BUILDINGS SUB DIVISION, MANANTHAVADY, UNDER ORDERS
OF TRANSFER AS ASSISTANT EXECUTIVE ENGINEER,P.W.D.
N.H.SUB DIVISION, DEVIKULAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 25646 OF 2007 C
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Dated this the 23rd August, 2007

J U D G M E N T

Petitioner is an Asst. Executive Engineer in the national Highway Sub Division, Devikulam. He has been working there from 1-9-2005. By Ext. P1 order he has been transferred and posted at Mananthavadi and the 2nd respondent is posted in his place.

2. The contention of the petitioner that he has less only than 2 years of remaining service and that the transfer now ordered is against the guidelines providing minimum tenure of 3 years. He also claims protection available to the persons belonging to reserved categories. It is contended that there there are vacancies in Ernakulam District and if at all he was to be transferred, the 1st respondent could have accommodated him in Ernakulam, his home district.

3. It is settled law that in matters of transfer, this Court can interfere only in cases where malafides are made out or statutory provisions are violated. In this case, none of these grounds are made out.

Violation of guidelines, even if there is substance in the contention, can only be urged before the authorities and cannot be a foundation for proceedings under Article 226 of the Constitution of India. The petitioner has only produced Ext. P2, a news report which according to him, discloses the reason for his transfer. This Court cannot act upon news paper reports alone and in any case in the absence of materials I do not see any substance in the contentions of the petitioner.

The writ petition lacks merits and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-